
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Liberty Cablevision of Puerto Rico Inc.)	File No.: EB-FIELDSCR-13-00010718
)	
Owner of Antenna Structure No. 1011909)	NOV No.: V201332680007
)	
Vega Baja, Puerto Rico)	
)	

NOTICE OF VIOLATION

Released: September 9, 2013

By the Resident Agent, San Juan Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Liberty Cablevision of Puerto Rico Inc., owner of antenna structure number 1011909 in Vega Baja, Puerto Rico. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On August 22, 2013, an agent of the Enforcement Bureau's San Juan Office inspected antenna structure number 1011909, and observed the following violations:

- a. 47 C.F.R. § 17.4(g): "Except as described in paragraph (h) of this section, the Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure..." At the time of inspection the Tower Registration Number was not posted at the base of the structure.

3. On August 26 and 28, 2013, an agent of the Enforcement Bureau's San Juan Office inspected antenna structure number 1011909, and observed the following violations:

- a. 47 C.F.R. § 17.51(a): "All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified." The agent observed on both evenings that the lights on antenna structure number 1011909 were not lit. On August 27, 2013, the agent confirmed with the Federal Aviation Administration that it had not been notified of the outage.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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4. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Liberty Cablevision of Puerto Rico Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must describe Liberty Cablevision of Puerto Rico Inc.'s maintenance and inspection procedures for its automatic light monitoring system, when it last inspected its system, when it discovered the problem with its system, and why its system failed. The response must also state when and how it first learned of the above mentioned outage. The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

5. In accordance with Section 1.16 of the Rules, we direct Liberty Cablevision of Puerto Rico Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Liberty Cablevision of Puerto Rico Inc. with personal knowledge of the representations provided in Liberty Cablevision of Puerto Rico Inc.'s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in Liberty Cablevision of Puerto Rico's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
San Juan Office
US Federal Building Room 762
San Juan, PR 00918-1731

7. This Notice shall be sent to Liberty Cablevision of Puerto Rico Inc. at its address of record.

8. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

William Berry
Resident Agent
San Juan Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).